

REMARKS

Claims 1-8, 11, 12, 14-20, 23, 25, 29, and 33-36 are pending in the present reissue application.

The dependency of Claim 11 has been amended herein.

In the Advisory Action mailed May 12, 2010, the Examiner stated that claims 1-8, 11, 12, 14-20, 23, 25, 29, and 33-36 were considered allowed, but a Supplemental Reissue Declaration was required to place the reissue application in condition for allowance. Applicant promptly filed a Supplemental Reissue Declaration on May 12, 2010 in response to the Examiner's May 12, 2010 Advisory Action, presumably placing the application in condition for allowance.

However, on February 22, 2011, the Examiner telephoned the undersigned, informing the undersigned that previously-allowed claims 11 and 12 incorrectly depend from cancelled claim 10. The Examiner required that the dependency of claim 11 (and, by association, claim 12) be amended by the Applicant to finally place the application in condition for allowance. Additionally, the Examiner further required that a Supplemental Reissue Declaration (PTO/SB/51) be filed in light of the amendment to the dependency of claims 11 and 12.

Accordingly, Applicant herein amends claim 11 to depend from pending independent claim 6. Claim 12 remains properly dependent from claim 11. As such, Applicant believes that the potential 35 U.S.C. §112, first paragraph rejection of claims 11 and 12 addressed by the Examiner on February 22, 2011 has been overcome.

Furthermore, Applicant is filing concurrently herewith a Supplemental Reissue Declaration (PTO/SB/51) specifying at least one error which is relied upon to support the reissue application. In accordance with MPEP §1414(II)(B), "Applicant need only specify in the reissue oath/declaration one of the errors upon which reissue is based," and that "[w]here applicant specified one such error, this requirement of a reissue oath/declaration is satisfied." *See MPEP §1414(II)(B)*.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-8, 11, 12, 14-20, 23, 25, 29, and 33-36.

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

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Respectfully submitted,

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Dated: February 22, 2011
Attorney Docket No.: TER0400.010

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General Authorization and Extension of Time

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2623. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2623. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 50-2623.

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